

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:02-CR-60-2H

UNITED STATES OF AMERICA,

v.

RICARDO DINNALL,
Defendant.

ORDER

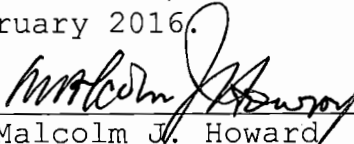
This matter is before the court on defendant's motion to reconsider this court's order issued January 25, 2016, denying defendant's motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). [D.E. #626]. This matter is ripe for adjudication.

Defendant claims the court overlooked the fact that defendant was sentenced for a specific amount of crack cocaine pursuant to U.S.S.G. §2D1.1(c). The court now clarifies its reasons for originally denying defendant his requested relief. Although defendant was, in fact, convicted of a controlled substance offense, his offense level was not determined by the quantity of drugs underlying the controlled substance offense. U.S.S.G. §2D1.1(c), therefore, was not used to establish defendant's base offense level. See Presentence Report ¶ 55. Rather, defendant's base offense level was determined pursuant to U.S.S.G. §2A1.1 after employing a cross reference, U.S.S.G. §2A4.1(c), found in the sentencing guidelines for defendant's Conspiracy to Commit Kidnapping conviction (Count 2). Id. at ¶¶

54-55. Any amendment to the Drug Quantity Table found in U.S.S.G. §2D1.1(c) or drug equivalency measurements would, therefore, have no impact on defendant's advisory guideline range.

Finding no reason to change its prior ruling upon reconsideration, defendant's motion to reconsider, [D.E. #626], is DENIED.

This 25th day of February 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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